

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 02 MAY 2006

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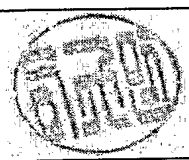
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Applicant's or agent's file reference PC05001-BI	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/KR2005/000445	International filing date(day/month/year) 17 FEBRUARY 2005 (17.02.2005)	Priority date (day/month/year) 18 FEBRUARY 2004 (18.02.2004)	
International Patent Classification (IPC) or national classification and IPC A23L 1/302(2006.01)i			
Applicant BIOTECH INSTITUTE FOR INTERNATIONAL INNOVATION, INC. et al			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 3 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- ☒ Box No. I Basis of the report
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

Date of submission of the demand 13 SEPTEMBER 2005 (13.09.2005)	Date of completion of this report 20 APRIL 2006 (20.04.2006)
Name and mailing address of the IPEA/KR  Korean Intellectual Property Office 920 Dunsan-dong, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer LEE, Kyoo Ahn Telephone No. 82-42-481-5635 

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/KR2005/000445

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☒ This report is based on translations from the original language into the following language English, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☒ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☒ the international application as originally filed/furnished
- ☐ the description:
pages _____ as originally filed/furnished
pages* _____ received by this Authority on _____
pages* _____ received by this Authority on _____
- ☐ the claims:
pages _____ as originally filed/furnished
pages* _____ as amended (together with any statement) under Article 19
pages* _____ received by this Authority on _____
pages* _____ received by this Authority on _____
- ☐ the drawings:
pages _____ as originally filed/furnished
pages* _____ received by this Authority on _____
pages* _____ received by this Authority on _____
- ☐ the sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/KR2005/000445

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1 - 21	YES
	Claims		NO
Inventive step (IS)	Claims	1 - 21	YES
	Claims		NO
Industrial applicability (IA)	Claims	1 - 21	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

Reference is made to the following documents:

D1: KR-2001-084854 A

D2: US 5,773,462 A

D3: Hayashi K, et al., Antimicrob Agents Chemother., 1992 Sep;36(9):1890-1893

The present invention relates to a composition for preventing cold comprising vitamin C and ginkgetin, a use of the composition for preparing a medicine for preventing cold, a method for preventing cold by using the composition, and a method for preparing cold prophylactic. Ginkgetin is a kind of biflavonoid.

D1 relates to food or a medical composition for preventing cold comprising a Platycodon grandiflorus (jacqin) extract and some vitamins, which discloses a use of an antiviral agent relating cold. D2 describes pharmaceutical compositions which include the antiviral biflavanoids, derivatives or salts thereof. Also disclosed is an improved method for obtaining substantially pure robustaflavone from a plant material. However, D1 and D2 do not describe a composition of ginkgetin, as described in the present invention.

D3 is a research paper, which describes the effects of ginkgetin on herpes simplex virus type 1(HSV-1) replication in vitro. HSV-1 is a virus causing skin disease in medical field. As seen above, D3 does not describe the usage of ginkgetin for preventing cold.

Therefore, the subject matter of claims 1-21 is considered to be novel and to involve an inventive step (PCT Article 33(2) and 33(3)).